

In the Matter of Merchant Mariner's Document No. 1099675 and all
Documents therein
Issued to: PAUL STANLEY

DECISION OF THE COMMANDANT
UNITED STATES COAST GUARD

1293

PAUL STANLEY

This appeal has been taken in accordance with Title 46 United States Code 239(g) and Title 46 Code of Federal Regulations 137.11-1.

By order dated 21 February 1961, an Examiner of the United States Coast Guard at New Orleans, Louisiana suspended Appellant's seaman documents upon finding him guilty of misconduct. The three specifications found proved allege that while serving as a wiper on the United States SS MARGARET BROWN under authority of the document above described, on 30 June 1960, Appellant refused to obey a lawful command of the Master to leave the officers' dining saloon at 0215 and, on 23 July 1960, he deserted the vessel at New Orleans; while serving as a wiper on the United States SS DEL AIRES under authority of his document, on 21 January 1961, Appellant failed to join the ship at Bahia, Brazil.

At the hearing, Appellant voluntarily elected to act as his own counsel. Appellant entered a plea of not guilty to the first two specifications and guilty to the offense of failing to join the DEL AIRES.

The Investigating Officer introduced in evidence excerpts from the Shipping Articles and copies of Official Logbook entries from both ships.

Appellant testified in his defense.

At the end of the hearing, the Examiner rendered the decision in which he concluded that the charge and three specifications had been proved. The Examiner then entered an order suspending all documents, issued to Appellant, for a period of three months outright plus three months on twelve months' probation.

OPINION

Appellant appeals on the ground that he feels this is an unjust order which deprives him of making a living.

There is substantial evidence in the logbook entries and Appellant's testimony to prove the two specifications alleging offenses when he was serving on the MARGARET BROWN. The last

specification was found proved on the basis of Appellant's plea of guilty.

Concerning Appellant's refusal to obey the Master's order early on the morning of 30 June 1960, Appellant did not deny the offense when he testified. Appellant stated that he had been drinking while ashore and did not remember the incident.

With respect to the desertion on 23 July 1960, Appellant testified that he deliberately went to his home in New Orleans and remained there until after the ship left. Appellant admitted that he had the intent which is a necessary element of desertion.

For these three offenses, it is my opinion that the order of suspension was very lenient rather than unjust to Appellant. In two instances, Appellant left the ship shorthanded and, in the third case, he rejected the authority of the Master on his own ship. The order was justified despite Appellant's prior clear record.

ORDER

The order of the Examiner dated at New Orleans, Louisiana, on 21 February 1961, is AFFIRMED.

A. C. Richmond
Admiral, United States Coast Guard
Commandant

Signed at Washington, D. C., this 2nd day of March 1962.